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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,029	01/15/2002	Dirk Wenzel	DE 010013	5688

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

DEAN, RAYMOND S

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/047,029

Applicant(s)

WENZEL ET AL.

Examiner

Raymond S Dean

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed September 27, 2004 have been fully considered but they are not persuasive.

Examiner respectfully disagrees with applicants' assertion that Gercekci does not teach a SELECT code. The reader will individually select a pre-registered smart card to dialogue with via the warm wake up or start up message. When said pre-registered smart card is selected said smart card will respond to said reader thus enabling said dialogue to take place. The warm start up message, which includes the logical "1", therefore will select and determine the smart card that will dialogue with said reader (See Column 3 lines 4 – 10, Column 3 lines 45 – 49).

Examiner agrees with applicants' assertion that Thomlinson does not teach a SELECT code. Thomlinson, however, teaches transmitting in a non-encrypted fashion (See Column 3 lines 55 – 58). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the non-encryption method taught in Thomlinson in the system of Gercekci for the purpose of creating a digital signature that would allow the smart cards to verify that the received data comes from the desired reader and that said data has not been tampered with as taught by Thomlinson.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3, and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Gercekci et al. (US 6,354,500).

Regarding Claim 1, Gercekci teaches a method of transmitting data signals between a base station and a plurality of moving data media in which, for the purpose of starting a data transmission, the base station emits a command signal in response to which data media, which receive this command signal, each send a response signal to the base station (Column 1 lines 65 – 67, Column 2 lines 50 – 60, the reader is the base station and the smart cards are the data media), whereupon the base station selects one of the data media for data transmission, and the transmission of data from the data medium to the base station is triggered solely in this selected data medium (Column 2 lines 50 – 60, the smart card that is woken up is the selected data media), wherein a select code (SELECT) is appended to the signals which are sent by the base station solely for a selected data medium, by means of which select code these signals are marked as sent by the base station solely for a selected data medium (Column 2 lines

50 – 60, the select code is the logical “1”), and wherein the emission of data signals to the base station upon the reception of a data signal sent by the base station and comprising a select code is suppressed independently of the remaining content of this data signal sent by the base station in all data media not previously selected by the base station for data transmission (Column 2 lines 50 – 60, the smart card that is not selected will not transmit data back to the reader).

Regarding Claim 3, Gercekci teaches all of the claimed limitations recited in Claim 1. Gercekci further teaches wherein the select code is formed by a single bit (select code bit) in the data signal sent by the base station (Column 2 lines 50 – 60).

Regarding Claim 4, Gercekci teaches all of the claimed limitations recited in Claim 1. Gercekci further teaches wherein the select code assumes a first value in the data signal sent by the base station when the data signal is marked as sent by the base station solely for a selected data medium, and wherein the select code assumes a second value in the data signal sent by the base station when the data signal is marked as sent by the base station for all data media (Column 2 lines 64 – 67, Column 3 lines 1 – 15, the warm phase is for a particular smart card and the cold phase is for any and all smart cards).

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gercekci et al. (US 6,354,500) in view of Thomlinson et al. (US 6,532,542).

Regarding Claim 2, Gercekci teaches all of the claimed limitations recited in Claim 1. Gercekci further teaches wherein the select code is transmitted in the data signal sent by the base station (Column 2 lines 50 – 60).

Gercekci does not teach a non-encrypted fashion.

Thomlinson teaches a non-encrypted fashion (Column 3 lines 55 – 58).

Gercekci and Thomlinson (Column 2 lines 3 – 5) both teach a system comprising smart cards thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the non-encryption method taught in Thomlinson in the system of Gercekci for the purpose of creating a digital signature that would allow the smart cards to verify that the received data comes from the desired reader and that said data has not been tampered with.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond S Dean whose telephone number is 703-305-8998. The examiner can normally be reached on 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay A Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**NICK CORSARO
PRIMARY EXAMINER**



**Raymond S. Dean
February 3, 2005**